

AMENDED IN SENATE JUNE 7, 2010  
AMENDED IN ASSEMBLY JANUARY 25, 2010  
AMENDED IN ASSEMBLY JANUARY 6, 2010  
AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 953**

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**Introduced by Assembly Member Eng**

February 26, 2009

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An act to amend Section 1808.22 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as amended, Eng. Department of Motor Vehicles: records: confidentiality.

Existing law requires the residence address in a record of the Department of Motor Vehicles to be kept confidential, with specified exceptions. One exception applies to an insurance company when the company requests the information for the purpose of obtaining the address of another motorist or vehicle owner involved in an accident with the company's insured.

This bill would expand ~~these exceptions~~ *this exception* to include ~~an employee or an authorized agent~~ *an authorized contractor* of an insurance company. This bill would also require that, among other things, all information obtained from the department by ~~an agent or an employee~~ *authorized contractor of an insurance company* shall be subject to the use or disclosure limitations and data security requirements

that exist for any ~~employer or~~ principal under applicable state and federal law.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1808.22 of the Vehicle Code is amended  
2 to read:

3 1808.22. (a) Section 1808.21 does not apply to a financial  
4 institution licensed by the state or federal government to do  
5 business in the State of California, if the financial institution states  
6 under penalty of perjury that it has obtained a written waiver of  
7 Section 1808.21 signed by the individual whose address is  
8 requested, or to providing the address of a person who has entered  
9 into an agreement held by that institution prior to July 1, 1990, so  
10 long as that agreement remains in effect.

11 (b) Section 1808.21 does not apply to an insurance company  
12 licensed to do business in California, or to an ~~employee or~~  
13 ~~authorized agent~~ *authorized contractor* of that insurance company,  
14 if the company, under penalty of perjury, requests the information  
15 for the purpose of obtaining the address of another motorist or  
16 vehicle owner involved in an accident with the company's insured,  
17 or requests the information on an individual who has signed a  
18 written waiver of Section 1808.21 or on the individuals insured  
19 under a policy if a named insured of that policy has signed a written  
20 waiver.

21 (c) Notwithstanding any other provisions of the Vehicle Code  
22 and regulations adopted by the department, all information obtained  
23 from the department pursuant to the exemptions in subdivision (b)  
24 shall be subject to the ~~then-existing~~ *existing* use or disclosure  
25 limitations and data security requirements for the ~~employer or~~  
26 principal under applicable state and federal law. Use or disclosure  
27 limitations and data security requirements imposed on ~~agents and~~  
28 ~~employees~~ *an authorized contractor* by this subdivision shall be  
29 enforced by the department in compliance with its ~~then~~ existing  
30 regulations governing the use or disclosure of information obtained  
31 ~~by~~ *from* the department pursuant to subdivision (b). The use or  
32 disclosure of information obtained from the department *by an*  
33 *authorized contractor of the insurance company* pursuant to

1 subdivision (b) *without a written waiver of Section 1808.21 signed*  
2 *by the individual* shall be permitted only for the purpose of  
3 obtaining the address of another motorist or vehicle owner involved  
4 in an accident with the company's insured. The information shall  
5 not be used or disclosed for any other purpose or to any other  
6 person.

7 (d) Section 1808.21 does not apply to an attorney if the attorney  
8 states, under penalty of perjury, that the motor vehicle or vessel  
9 registered owner or driver residential address information is  
10 necessary in order to represent his or her client in a criminal or  
11 civil action that directly involves the use of the motor vehicle or  
12 vessel that is pending, is to be filed, or is being investigated.  
13 Information requested pursuant to this subdivision is subject to all  
14 of the following:

15 (1) The attorney shall state that the criminal or civil action that  
16 is pending, is to be filed, or is being investigated relates directly  
17 to the use of that motor vehicle or vessel.

18 (2) The case number, if any, or the names of expected parties  
19 to the extent they are known to the attorney requesting the  
20 information, shall be listed on the request.

21 (3) A residence address obtained from the department shall not  
22 be used for any purpose other than in furtherance of the case cited  
23 or action to be filed or that is being investigated.

24 (4) If an action is not filed within a reasonable time, the  
25 residence address information shall be destroyed.

26 (5) An attorney shall not request residential address information  
27 pursuant to this subdivision in order to sell the information to a  
28 person.

29 (6) Within 10 days of receipt of a request, the department shall  
30 notify every individual whose residence address has been requested  
31 pursuant to this subdivision.

32 (e) A knowing violation of paragraph (1), (2), (3), (4), or (5) of  
33 subdivision (d) is a misdemeanor. A knowing violation of  
34 paragraph (1), (2), (3), (4), or (5) of subdivision (d) in furtherance  
35 of another crime is subject to the same penalties as that other crime.